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ROBBERS REFUSE TO PLEAD IN COURT TRYING TO SECURE COGBILL'S PAPERS

Judge Waddill Finally Agrees to Postpone Hearing Until April 20.

State Would Use Checks in Effort to Convict Him in Mecklenburg Bank Case.

Attorneys for B. E. Cogbill, formerly president of the East Coast Lumber Company, of Boynton, yesterday resisted an effort by Commonwealth's Attorney Baskerville, of Mecklenburg, to secure the checks, books and papers now in possession of the United States District Court, and which Mr. Baskerville states he will use with the hope of convicting Cogbill as an accessory to the destruction of the Bank of Mecklenburg. The checks, Mr. Baskerville claims, are those drawn against the bank, which resulted in an overdraft being allowed the defendant of approximately \$100,000, and the claim is that the books of the firm in bankruptcy will further explain the methods which were adopted.

When Frederick Cunningham, alias Eddie Fay, and Frank Chester, alias "Little Dick" Harris, refused yesterday morning to plead to an indictment charging them with robbing the cashier's vault in the Richmond post-office, Judge Edmund Waddill, Jr., in the United States District Court, entered a formal plea of not guilty, and with the consent of District Attorney Lewis, and at the request of Attorney H. M. Smith, Jr., for the prisoners, set the trial for April 20. The hearing yesterday was attended by a crowd that filled the courtroom, while outside in Seventh Street hundreds of men, women and children waited and watched for a change to get a glimpse of the rogues.

As Fay passed through the door of the courtroom on his way out he was heard to remark, "We will fight this case to a finish," and his determination is clearly shown from affidavits allowed by Judge Waddill, in which he and Chester swear they are without sufficient funds to employ a lawyer, and ask that reasonable time be given in which to communicate with friends and relatives. Fay claims he has relatives in Western States, and his affidavit is that they will come to his aid when called upon.

Both men observed the same characteristic attitude which marked their appearance in public on the morning of their arrival from New York. Fay shielded his face with a silk handkerchief, except while in court, and Harris, with the air of a sneak thief, hung his head humbly and did not glance in any direction. Fay was the more composed of the two, and during the arraignment he did the talking for himself and his pal.

When Clerk Joseph P. Brady commanded the men to stand and they arose together, and in reply to the usual "What say ye, are you guilty or not guilty?" following the reading of the indictment, Fay said audibly: "I have no plea to make." Harris did not respond. Judge Waddill then entered the plea of not guilty, and Attorney Smith presented the affidavits.

The affidavits are interesting documents, especially as Fay is supposedly a Chicago millionaire, but the statements are that the money found on their persons yesterday at the State of New York was taken from them by the government officers, and that until late Friday afternoon, some hours after their removal to the Henrico jail, they had not been supplied with pens, pencils or paper and had been given absolutely no chance to communicate with anybody on the outside. Both men express confidence that they will not be without help in their fight for liberty.

Judge Waddill was objected to the affidavits being filed, remarking with apparent vexation that if such pleas were allowed there would have been no use in bringing the men from New York. Mr. Smith explained that the papers signed by the prisoners were not to be regarded as pleas, but simply as reasons for a reasonable postponement. Judge Lewis said he has no disposition to press a trial, although he was unwilling that the case should be delayed longer than was absolutely necessary. The attorneys were satisfied with the date selected by Judge Waddill.

It was not generally thought yesterday morning that the prisoners would be brought to court, and consequently there were not many persons at the Federal building when the two prisoners alighted from the automobiles at the Seventh Street entrance. News that they were to appear spread rapidly, however, and before the arraignment began the courtroom was crowded and hundreds of people were in and around the building and in the halls.

It was not necessary at any time to rap for order, and the police and marshals had little trouble in caring for Fay and Harris. When they came out of the elevator, they were escorted through a room adjoining Judge Waddill's office, and entered the courtroom by the door to the south of the jury box. A murmur rippled through the audience, but this hushed when Judge Waddill entered and the proceedings went on without unusual incident.

May Deny Jurisdiction. Exactly what line of defense will be pursued cannot be ascertained; but there is a suggestion that an effort will be made to show that the court here is without jurisdiction, as the arrests were made in New York and the men were charged there with the crime, prior to the time the Richmond indictment was drawn. The inspectors do not believe Fay and Harris have any idea of the extent of overindulgence which will be introduced against them, and it is probable many hitherto unpublished facts in connection with the movements and operations of the officers will be disclosed at the trial.

Fay and Harris lacked the worn look which characterized their appearance after a sleepless night in a day coach, although they again avoided in every possible way the glances of curious gazers. Deputy Sheriff Snyder was instructed yesterday to increase his guard to four men, and one or another of his aids will be on the inside of the prison at all hours of the night and day, while a constant watch will also be kept outside. Sheriff Kemp is not uneasy. If any effort should be made to take the men away he believes he has officers in charge who are thoroughly capable of withstanding any attack.

Rear-End Collision on N. & W. [Special to The Times-Dispatch.] Lynchburg, Va., April 9.—Extra freight, westbound on the belt line of the Norfolk and Western Railway this morning about 6:30 o'clock at McKinney's, crashed into the rear of the train No. 314, carrying the coaches of the train. The Bremen No. 314, whose name could not be learned, jumped when its engine was certain, and he was slightly injured.

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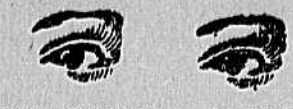
Tell Court That It Would Be Same as Having Man Testify Against Himself.

Cogbill was represented by H. M. Smith, Jr., Andrew J. Montague, Lynch Montague, Charles V. Meredith and Attorney Thorpe, who claim that the court cannot release the checks and books for use in criminal proceedings against Cogbill, as the use of the checks and books will be virtually the same as if the defendant is forced in court to testify against himself.

Checks as Evidence Then. Edward J. O'Connell, now serving a two-year sentence in the penitentiary, was cashier of the bank at the time it became insolvent, and the books, papers and checks in question were presented in evidence when the East Coast Lumber Company and Cogbill, its president, filed petitions of bankruptcy here.

Mr. Baskerville represented in his argument that the insolventcy of the bank followed O'Connell's report to the president that he had allowed Cogbill to overdraw his account, and charged is further that the cashier had no right to surrender the checks as long as the depositor was shy, as with the surrender of the checks all positive evidence of the overdraft was canceled. Numerous authorities were cited by attorneys on either side yesterday, and Judge Waddill, at 6 o'clock, deferred his decision.

It was stated by an attorney for Cogbill that the checks in possession




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of the court cover dates for a period of two years and will fill a large trunk. Cogbill was present in court during the hearing, but did not sit with his lawyers. The most interesting incident in the hearing was Mr. Baskerville's direct reply, during his argument, to an interruption from one of his opponents. Mr. Baskerville said, with emphasis: "My only idea in securing possession of these checks is to place them in evidence against those charged with the crime." This statement was largely the basis of the arguments of those who succeeded him. State Senator Risson, of Pittsylvania county, assisted Mr. Baskerville.

JUNIOR ORDER EVENT

Twentieth Anniversary of Aurora Council Duly Celebrated. Ending the twentieth year of its history, Aurora Council, No. 28, Junior Order of United American Mechanics, celebrated its anniversary with a social session at its hall on Main Street, on Friday evening. A. L. Barfoot, chairman of the committee in charge, acted as master of ceremonies. During its life thirty-five have died, and 129 have been dropped from membership, making a total of 427 members enrolled. Refreshments were served at the anniversary celebration, and the following program was rendered: Instrumental selections, violin, piano, by C. H. Grubbs, Charles Moltz and James Clark; address, "History of the Council," by Past State Councilor Lewis Bottom; instrumental selections, banjo and guitar, by Eugene E. Davis, and Alexander Hill; solo, by Howard S. Heslip; address, "The Principles of the Order," by Deputy State Councilor T. Gray Haddon; solo, by Mrs. Howard S. Heslip; comic selections, by Willie Freeman; duet, by Mr. and Mrs. Heslip; accompanist, Miss Berta Mitchell.

Sentenced for Beating His Wife. [Special to The Times-Dispatch.] Roanoke, Va., April 9.—E. D. Dickerson, a butcher, was today fined \$30 and sent to the chain-gang for three months for beating his wife. The present Mrs. Dickerson is the man's third wife. She came from Richmond.

News of Manchester

Manchester Bureau, Times-Dispatch. 1103 Hull Street. Speculation is now rife as to who will represent Manchester in the Council of the city charter which will be held at the City Hall on Friday to five common councilmen. Three Aldermen, one First Ward, one Second Ward, and one Third Ward, will be elected. Later on, when certain readjustments have been made by ordinance, it will be entitled to a School Committee. The city of Manchester is elected from the city at large, and is not affected by the consolidation, though any Manchester man may be a candidate for Board at the time of the next vacancy.

For the unexpired term—that is, until next September 1—the representatives of Washington Ward in the Council and Board of Aldermen are to be elected by those branches under the section of the city charter which allows each branch to fill vacancies in its own membership. The general election for Councilmen comes the second Tuesday of June, when the old wards of Manchester will be called on to vote at the polls for representatives. The Democratic primary to select nominees in the case of old wards of Manchester is to be held April 21. Special arrangements will have to be made, either by a primary or by a caucus, for the selection of the nominees from Washington Ward for the general election. A convention of the voters of the ward may be held.

It is expected that the Richmond Council will elect in both branches at the regular May meetings. Members of the Consolidation Committee and workers for consolidation, it is generally believed, will be named, as they are most familiar with the terms of the ordinance, and best qualified to look after the detail work of putting it into effect.

Bradley for Fire Board. W. B. Bradley, best known in Richmond as a baseball magnate and owner of the Richmond club, and in Manchester as a leader in city progress, is being mentioned as a candidate for Board of Fire Commissioners from Washington Ward. He is one of the largest property-owners in Manchester. Opinion has not been expressed on an available Police Commissioner, though several men have been named, any one of whom is capable of filling the office.

Reports from the hospital at the Richmond City Home last night indicated that J. H. Bowles, of 500 West Eleventh Street, who injured or fell from the Free Bridge on Friday, was precarious. It is feared that he is seriously injured, and complications are expected. The doctor in charge last night said that so far he was doing as well as could be expected, and that he has been unable as yet to fully determine the extent of the internal injuries. Unless unfavorable symptoms develop in the next twenty-four hours, it is expected that he will recover. No person has been given for his apparent attempt to end his life. His home life is reported to be happy, and financial difficulties. His friends say his mind was temporarily unbalanced through suffering for a long time from acute indigestion, and that he had recently overworked himself.

Police Court Items. Neely dismissed yesterday in Magistrate Cheatham's Court in Oak Grove on a charge of forging the signature of Adam Trueman to a receipt for a debt said to have been due. Magistrate Cowan sat in the absence of the usual presiding magistrate.

Henry Henderson was dismissed on a charge of trespassing. Russell Farmer and Will Turner were acquitted on a charge of larceny. Richard Forrester was fined \$10 and costs for being disorderly on the street. The streets of Manchester have been unusually quiet during the last few days in reaction from the excitement of the consolidation election, and the city police have had little or nothing to do.

In the Churches. At Oak Grove Baptist Church to-day Rev. J. T. Haley, pastor of Stockton Street Church, will occupy the pulpit. The evening service the pastor, Rev. D. C. Lister, will preach, taking for his subject "The Death of Christ." Mrs. M. F. Seay and E. D. Phillips, of Richmond, will sing at the morning service.

The Woman's Missionary Society of Stockton Street Baptist Church will celebrate its twentieth anniversary this morning. The sermon will be de-

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DISTRICT PRIMARY SET FOR AUGUST 9

Candidates for Congress Given Thirty Days to File Notice.

If any citizen of the Third Virginia District desires to try conclusions with Captain John Lamb for his seat in the Sixty-second Congress, it will be necessary to file his name with District Chairman Edward L. C. Scott on or before May 9, accompanied with a little remittance of \$750. The date for the primary, should there be a contest, has been fixed for August 9.

Chairman Scott, Secretary Clyde W. Saunders, Dr. J. W. Elmer, of Midlothian, and Simon Solomon, of Henrico, were the members present when the district committee met yesterday. Senator Manly H. Barnes was the only absentee.

In case Congressman Lamb's name is the only one presented, as now seems likely, the committee will meet and declare him the nominee. There being no expense, his check will be returned. Should there be opposition, it is estimated that a primary will cost about \$1,500, and two candidates could thus pay the bills. In case there



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POLICE COURT CASES

T. G. Pike Convicted on One of Many Charges and Is Sent to Jail.

T. G. Pike, white, arrested on several warrants, charging him with stealing money from C. A. Thompson, was convicted on one charge in Police Court yesterday morning, and was sentenced to sixty days in jail. The other charges were not pressed, as it was thought that conviction in one would be sufficient punishment.

C. A. Beckner and Floyd McAllister, white, charged with stealing \$50 from William G. Pitts were dismissed.

Robert Harris, colored, was sent on to the grand jury on a charge of assaulting Emma Scott.

E. N. Holt, white, who is alleged to have cut the throat of H. A. McIntire some weeks ago, was sent on to the grand jury.

SEEKING FOR LOST ONES

Andrew Powell, of Wilmington, Searching for Nineteen-Year-Old Sister.

The police authorities here have been requested to look for Sarah Lee Powell by Andrew Powell, of Wilmington, Del. The girl is now nineteen years old, and was placed in a children's home when she was six years old.

Mrs. Kate Hayes Pendleton, of Woodstock, Ont., is also seeking for Elizabeth Hayes, who, the writer says, lived here thirty years ago. Her brother, Thomas Hayes, once worked in Tanner's boiler shop. The letter says that it is of pecuniary interest to the family to locate the woman.

Virginians at the Hotels

Murphy's—R. G. Jones, Petersburg; Mrs. E. D. Thurston, Clifton Forge; W. L. Dennis, Grundy; T. H. Hill, Virginia; H. A. Hewart, Alexandria; Dr. E. C. Crenshaw, Harrisonburg; G. W. Thompson, Jetersville; W. M. Holman, M. D., Lee; B. E. Harrell, Orange; S. M. Tubbs, Norfolk; J. S. Moore, Fredericksburg; M. M. Shigler, Palmyra; P. C. Thomas, Lynchburg; L. LeFauquier, Norfolk; William E. Hatcher, Fork Union; M. C. Hull, Charlottesville; J. A. Powell, Suffolk; J. W. Mayfield, Danville; T. B. Ward, Rocky Mount; W. G. Hughes, E. Harris, Craig.

Richmond—R. T. Thorp, Norfolk; R. W. Crowder, Covington; Mr. and Mrs. Henry E. Lee, Nottingham; Mr. and Mrs. C. Edmonds, Clifton Forge; Mr. and Mrs. A. McCue, Charlottesville; H. Findlay, University of Virginia; Mrs. W. W. Day, Norfolk; Lee Jones, D. D., pastor of the Citadel Square Baptist Church, Charleston, S. C., is conducting the services. He will preach this morning on the theme, "Workers of the Late Hour." This afternoon at 4 o'clock there will be a special service for children. The subject of Dr. Johnson's sermon to-night will be, "A Question of Life or Death."

Dr. Latham to Speak at Y. M. C. A. Rev. J. N. Latham, D. D., pastor of Centenary Methodist Church, will speak at the Central Y. M. C. A. this afternoon at 3:20 o'clock on the topic, "A Cake Not Turned." R. C. Hawkins, of the State Treasurer's office, will speak to boys at 2:30 P. M.